

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

FILED  
IN CLERKS OFFICE

2004 OCT 12 A 11:44

U.S. DISTRICT COURT  
DISTRICT OF MASS.

DENNIS M. DONOVAN,

Plaintiff,

v.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C., ROBERT M. GAULT,  
individually, and PETER J. MARATHAS, JR.,  
individually,

Defendants.

Case No.: 04-12110 (MLW)

**AFFIDAVIT OF DAVID E. VALICENTI**

DAVID E. VALICENTI, being duly sworn and deposes and says:

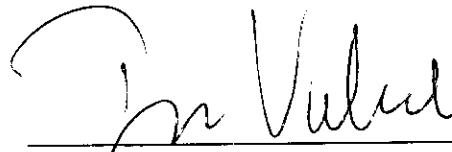
1. I am an associate of Cain Hibbard Myers & Cook PC, co-counsel for the Plaintiff, Dennis M. Donovan ("Donovan"). I have personal knowledge of the matters set forth in this Affidavit, unless otherwise noted.
2. Prior to the filing of this action I conferred with Raytheon's counsel, Wilmer, Cutler, Pickering, Hale and Dorr, in an attempt to resolve the issues regarding the scope of confidentiality obligations between Donovan and Raytheon. We could not reach an agreement.
3. On Donovan's behalf, I filed an action for declaratory judgment against Raytheon, Civil Case Number 04-11980, which seeks clarification of the confidentiality obligations. The declaratory judgment action is in its very early stages.
4. Donovan requests that the Complaint in this action be impounded to avoid any dispute with Raytheon regarding confidentiality. Because it is uncertain when the declaratory

judgment action will be resolved, Donovan requests that the impoundment be until further order of the Court.

5. I am familiar with Local Rule 7.2, which requires a ruling on a motion for impoundment prior to submission of the material sought to be impounded. However, this motion seeks impoundment of an initial filing of a Complaint, so the motion to impound could not be made prior to the filing.

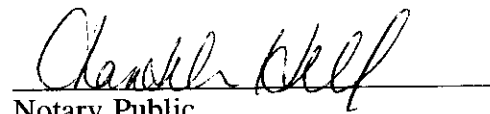
6. Pursuant to Local Rule 7.1(2), I conferred with counsel for the Defendants in an attempt to resolve or narrow the issue presented on this motion. Defendants' counsel did not consent to the impoundment.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 8th DAY OF  
October, 2004.

  
\_\_\_\_\_  
DAVID E. VALICENTI

COMMONWEALTH OF MASSACHUSETTS  
BERKSHIRE COUNTY, ss.

On this 8<sup>th</sup> day of October, 2004, before me, the undersigned notary public, personally appeared David E. Valicenti, personally known to me to be the person who signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

  
\_\_\_\_\_  
Notary Public

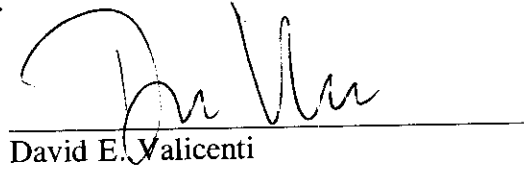
My commission expires: \_\_\_\_\_



CHANTELE HILL  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
April 21, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on October, 8, 2004.



A handwritten signature in black ink, appearing to read 'David E. Valicenti', is written over a horizontal line.

David E. Valicenti